

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of J.S., K.S., H.S., and N.S., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DORIS SPEED,

Respondent-Appellant.

UNPUBLISHED

January 24, 2003

No. 240526

Ingham Circuit Court

Family Division

LC No. 01-048530-NA

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Before: O’Connell, P.J., and Griffin and Markey, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (h), and (k)(iii)<sup>1</sup>. We affirm.

Respondent argues that her due process rights were violated because the statutory grounds for termination were not cited in the petition for termination of her parental rights. Constitutional due process issues are subject to de novo review. *In re Carey*, 241 Mich App 222, 225-226; 615 NW2d 742 (2000). We hold that the defect in this case was technical and “did not erode the fact of the actual notice.” *In re Slis*, 144 Mich App 678, 684; 375 NW2d 788 (1985). The six-page petition listed with specificity allegations of abuse and neglect sufficient to provide the basis for termination under each statutory ground employed by the trial court. As we have previously held, a respondent’s due process right to notice is not compromised where the petition lists the allegations with specificity, although the statutory provisions are not expressly enumerated. *Id.*

Respondent next argues that the trial court erred in failing to find that termination was clearly not in the children’s best interests. This issue has been waived because it is not identified in the statement of questions presented. MCR 7.212(C)(5); *McGoldrick v Holiday Amusements, Inc.*, 242 Mich App 286, 298; 618 NW2d 98 (2000). In any event, reviewing this issue for clear

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<sup>1</sup> Respondent also appeals termination under MCL 712A.19b(3)(j); however there is no indication in the record that respondent’s rights were terminated on this ground.

error, *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000), requires that respondent's claim be rejected. The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *Trejo, supra* at 356. The record reveals that respondent pleaded no contest to first-degree child abuse involving one of the children, that she will be incarcerated until at least April 2004 for that offense, that she severely abused one child on more than one occasion and allowed all her children to injure one another, that respondent was in denial regarding the problems in the household, that the children have suffered psychological damage, and that the children need to live without fear for their physical safety. Thus, the trial court did not clearly err in terminating respondent's parental rights to the minor children.

Affirmed.

/s/ Peter D. O'Connell  
/s/ Richard Allen Griffin  
/s/ Jane E. Markey